

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Nicole M. May, Beneficiary,
Co-Beneficiaries, Dennis M. May,
Tami M. May, Entering as Next
friend for Nicole M. May is
Tami M. May,

Civil No. 12-1016 (JNE/AJB)

Plaintiffs,

v.

ORDER

The United States, “The Trustee”,
Lynn M. Thieman, “Co-Trustee”
and Lawful Revenue Agent,

Defendants.

This case is before the Court on Plaintiffs’ pro se Motion entitled “Emergency Permanent Injunction Ex Parte”. The Court construes it as a motion for an ex parte temporary restraining order. A temporary restraining order may issue without notice to the adverse party only if (1) “specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition,” and (2) “the movant’s attorney certifies in writing any efforts made to give notice and the reasons why it should not be required.” Fed. R. Civ. P. 65(b). Plaintiffs have not shown by affidavit or verified complaint that immediate and irreparable harm will result to them before Defendants can be heard in opposition, nor have they certified in writing what, if any, efforts have been made to give Defendants notice, or the reasons why notice should not be required. Because Plaintiffs have not demonstrated that the extraordinary remedy of an ex parte temporary

restraining order is warranted, the Court denies their motion [Docket No. 1].

IT IS SO ORDERED.

Dated: May 8, 2012

s/ Joan N. Ericksen
JOAN N. ERICKSEN, Judge
United States District Court